

Sistem Sanksi Dalam Pelanggaran Kumulatif Pelaksanaan Jabatan Notaris dan Eksekusi Sanksi Yang Bersifat Condemnatoir (Studi Kasus Putusan Majelis Pengawas Wilayah Notaris Daerah Istimewa Yogyakarta Nomor 09/Pys/Mj.PWN.DIY/XI/2018) = :Sanctions System for Cumulative Violations of the Implementation of Notary Position and Execution of Condemnatory Sanctions (Case Study of the Decision of the Yogyakarta Special Region Notary Supervisory Council Number 09 / Pys / Mj.PWN.DIY / XI / 2018)

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Abstrak

Sistem sanksi dalam pengawasan terhadap pelaksanaan jabatan notaris yang diatur dalam Undang-Undang Jabatan Notaris dan perilaku notaris yang diatur dalam Kode Etik Notaris, didasarkan kepada jenis sanksi yang menjadi kewenangan pejabat yang berwenang menjatuhkan sanksi dan jenis sanksi berdasarkan jenis pelanggaran norma hukum yang dirumuskan dalam pasal-pasal Undang-Undang Jabatan Notaris. Sanksi jabatan yang bersifat kumulatif tidak dikenal dalam Undang-Undang Jabatan Notaris. dan eksekusi sanksi teguran tertulis dilakukan oleh Kepala Kantor Wilayah Kementerian Hukum dan HAM RI sedangkan eksekusi jenis sanksi pemberhentian sementara atau pemberhentian dengan tidak hormat dilakukan oleh Menteri. Ada tumpang tindih pengaturan jenis sanksi dan lembaga yang berwenang menjatuhkan sanksi terhadap pelanggaran Kode Etik Notaris yaitu Dewan Kehormatan Notaris yang berwenang menjatuhkan sanksi atas pelanggaran kode etik notaris yang bersifat internal (organisatoris) sedangkan Majelis Pengawas Notaris berwenang menjatuhkan sanksi jabatan terhadap pelanggaran Kode Etik Notaris. Penelitian ini dilakukan untuk menjawab masalah jenis sanksi yang bersifat kumulatif dan eksekusi sanksi yang bersifat condemnatoir? Dengan menggunakan metode penelitian normatif, melalui pengaturan normative tentang sistem sanksi yang diatur dalam Undang-Undang Jabatan Notaris dan peraturan pelaksanaannya, ditemukan adanya tumpang tindih (overlapping) jenis sanksi dan lembaga yang berwenang menjatuhkan sanksi, dan tidak adanya otonomi Majelis Pengawas Notaris yang seharusnya mandiri dan imparialitas dengan ikut campur tangannya pemerintah dalam eksekusi sanksi

.....The system of sanctions in the supervision of the implementation of the position of a notary as regulated in the Law on Notary Office and the behavior of notaries as regulated in the Notary Code of Ethics, is based on the types of sanctions which are the authority of the official authorized to impose sanctions and types of sanctions based on the types of violations of legal norms formulated in article -Article of the Law on the Position of Notary Public. Office sanctions that are cumulative in nature are not recognized in the Law on Notary Position. and the execution of the written reprimand sanction is carried out by the Head of the Regional Office of the Ministry of Law and Human Rights of the Republic of Indonesia, while the execution of the type of sanction of temporary dismissal or dismissal is carried out with disrespect by the Minister. There are overlapping arrangements for the types of sanctions and the institution authorized to impose sanctions on violations of the Notary's Code of Ethics, namely the Notary's Honorary Council which has the authority to impose sanctions for violations of the notary's code of ethics which are internal (organizational) while the Notary Supervisory Council has the authority to impose occupational sanctions for violations of

the Notary's Code of Ethics. This research was conducted to answer the problem of types of cumulative sanctions and condemnatory sanctions. By using the normative research method, through the normative regulation of the sanction system regulated in the Notary Office Law and its implementing regulations, it is found that there is overlapping of sanctions and institutions authorized to impose sanctions, and there is no autonomy of the Notary Supervisory Council which should be independent. and impartiality by interfering with the government in the execution of sanctions